

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GABRIEL MIDALGO

Plaintiff,

vs

9:06-CV-330

McLAUGHLIN, et al.

Defendants.

APPEARANCES:

GABRIEL MIDALGO
97-A-7235
Plaintiff, pro se
Southport Correctional Facility
P.O. Box 2000
Pine City, New York 14871

OF COUNSEL:

HON. ANDREW M. CUOMO
Attorney General for the State of New York
Attorney for Defendants
The Capitol
Albany, NY 12224-0341

ADELE M. TAYLOR SCOTT, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

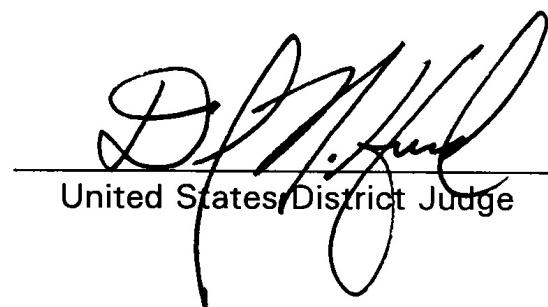
DECISION and ORDER

Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. On March 6, 2009, the Honorable Randolph F. Treece, United States Magistrate Judge, advised, by Report-Recommendation, that plaintiff's complaint be dismissed for failure to prosecute and provide a current address. No objections to the Report-Recommendation were filed.

Based upon a careful review of entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that the complaint is DISMISSED in its entirety.

IT IS SO ORDERED.



A handwritten signature in black ink, appearing to read "D. J. Hall", is positioned above a horizontal line. Below the line, the text "United States District Judge" is printed in a standard font.

Dated: March 30, 2009

Utica, New York.